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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 RICHARD L. AHEARN, Regional Director
12 of the Nineteenth Region of the National
13 Labor Relations Board, for and on behalf of
14 the NATIONAL LABOR RELATIONS
15 BOARD,

16 Petitioner,

17 v.

18 INTERNATIONAL LONGSHORE AND
19 WAREHOUSE UNION, LOCAL 21.

20 Respondent,

21 and

22 INTERNATIONAL LONGSHORE AND
23 WAREHOUSE UNION, LOCAL 4

24 Respondent.

25 CASE NO. 11-CV-05684 RBL
26 ORDER AWARDING
27 COMPENSATORY DAMAGES FOR
28 CIVIL CONTEMPT OF COURT

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30 This Matter is before the Court on the Petitioner's Motion for an Order finding the
31 Respondents to be in civil contempt of this court's September 1, 2011 Temporary Restraining
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33 ORDER AWARDING COMPENSATORY
34 DAMAGES FOR CIVIL CONTEMPT OF COURT -

1 Order. On September 8, 2011, the Court ordered the Respondents to Show Cause why they
2 should not be held in civil contempt. On September 15, the Court held a hearing to determine
3 whether Respondents had engaged in contumacious conduct. In separate Orders, this Court
4 Adjudicated the Respondents in Contempt, and imposed a schedule of civil contempt fines for
5 future violations of the TRO, and of the Court's September 8 Preliminary Injunction [Dkt. #58].

6 The Court has reviewed the Petitioner's evidence in support of an award of compensatory
7 damages [Dkt. #s 83, 84, and 85] Respondents seek a total of \$292,697.65, which includes
8 \$137,114.45 reflecting damage sustained and costs incurred by the charging party, EGT. The
9 Court has also reviewed the Declaration of EGT's General Manager, Jerry Gibson, with Exhibits
10 [Dkt. #89-1]. These documents reflect and support EGT's claim that its damages, not including
11 attorneys' fees, are \$101,959.04.

12 The Court has also reviewed the Respondents evidentiary and legal objections to the
13 Petitioner's entitlement to an award, and to the amount of compensation it seeks. [See Dkt. #s
14 90, 91, and 92]. The Court heard oral argument on the issues raised September 30, 2011.

16 For the reasons discussed in that argument, the Court hereby Orders that the Respondents
17 pay a civil contempt compensatory award in the amount of Two Hundred and Fifty Thousand
18 Dollars (\$250,000.00). This amount reflects a discount on the amount sought by Petitioner.
19 This award shall be reflected in a Judgment prepared by the Petitioner, and shall be payable to
20 the various entities claiming damages in Dkt. #84, on a pro rata basis. The judgment shall be
21 against Respondents International Longshore Workers Union, Local 21, and Local 4, jointly and
22 severally.

24 ORDER AWARDING COMPENSATORY
DAMAGES FOR CIVIL CONTEMPT OF COURT -
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[11-CV-05684 RBL]

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2 IT IS SO ORDERED.
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4 Dated this 30th day of September, 2011
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6 Ronald Leighton
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RONALD B. LEIGHTON
United States District Judge
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